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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,538	07/17/2003	Audrey Longhurst	CE10320J (78091)	2487

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EXAMINER

ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,538

Applicant(s)

LONGHURST ET AL.

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 and 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application filed 7/17/03 has been examined. Claims 1-20 are pending.
2. The IDS filed 3/5/04 has been considered.
3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see pages 4 and 5). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
4. Claim 12 is objected to because of the following informalities: At line 4 it is believed the word --not-- should be inserted before "in". Appropriate correction is required.
5. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. As per claim 11, independent claim 7 already includes the limitation "one or more satellites not in view". It is unclear how the language of claim 11 is further limiting in this regard.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurby (5,999,125).

A. As per claim 1, Kurby discloses a method of updating Global Positioning System (hereinafter GPS) almanac data which includes obtaining current satellite almanac data at a server of a telecommunication system associated with a wireless device (Abs.; Fig. 1; col. 4, lines 39-43; col. 5, lines 18-20); creates a subset of the current satellite almanac data; and transmits the data to the wireless device (col. 5, lines 65-67; col. 7, line 57 to col. 8, line 17).

B. As per claim 2, as above wherein the wireless device receives the subset of almanac data from the server and updates stored almanac data (col. 7, line 57 to col. 8, line 17).

C. As per claim 6, as above wherein ephemeris data may also be included (col. 8, lines 4-17).

8. Claims 1, 2 and 6 are further rejected under 35 U.S.C. 102(e) as being anticipated by Garin et al. (6,671,620).

A. As per claim 1, Garin discloses a method of updating GPS almanac data which includes obtaining current satellite almanac data at a server of a telecommunication system associated with a wireless device (Abs.; Fig. 1; col. 2, lines 31-56; col. 3, line 53 to col. 4, line 16, col. 4, lines 24-27); creates a subset of the current satellite almanac data and transmits the data to the wireless device (col. 4, lines 9-16).

B. As per claim 2, as above wherein the wireless device receives the subset of almanac data from the server and updates stored almanac data (col. 4, lines 24-27).

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C. As per claim 6, as above wherein ephemeris data may also be included (col. 3, lines 29-30).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasner (6,064,336) in view of Gaal (2002/0072378).

A. As per claim 1, Krasner discloses a method of transmitting GPS almanac data to a wireless device via a server in a communications infrastructure (Fig. 1A; col. 3, lines 18-23). As noted in col. 5, lines 6-18, almanac data for all the satellites of the constellation are transmitted to the wireless device whereas the claimed invention transmits a subset of the data for less than all the satellites.

B. However, at the time of applicant's invention it was recognized in the art that not all of the satellite information need be transmitted to the wireless device and that sending a subset of the information would reduce large overhead in the broadcast channel (see Gaal, [0032, 0034-0035]). One of ordinary skill in the art would have found it obvious to use the teachings of Gaal to transmit only a subset of the satellite data to the wireless device because it would have reduced the large overhead in the broadcast channel.

C. As per claim 2, as above wherein the wireless device updates stored satellite information based on the received data (Krasner: col. 6, lines 30-34).

D. As per claim 4, as above wherein the almanac data may be downloaded from the Internet (Krasner: col. 12, lines 2-7).

E. As per claim 6, as above wherein ephemeris data may also be included (Krasner: col. 1, lines 29-31). Gaal also suggests that the ephemeris data may be included in the satellite information transmitted to the wireless device [0013].

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurby, Garin or (Krasner and Gaal) in view of Burns et al. (6,088,694), Zakharov et al. (6,711,572) and Faulkner (6,389,427).

A. As per claim 3, Kurby, Garin and Krasner each disclose updating the satellite information (i.e. almanac data) in the wireless device. None of the references provide specific detail as to the manner in which the old data is replaced by the updated data.

B. At the time of applicant's invention it was well-known in the computing arts to update stored data/files by copying the stored data/file, updating the copy and replacing

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the original with the updated copy (see as exemplary Burns: Abs; Zakharov: Abs; Faulkner: col. 27, lines 44-52). One of ordinary skill in the art would have found it obvious to utilize the well-known technique of updating data/files set forth in claim 3 and exemplified by the patents cited above because this manner of updating provided benefits such as allowing use of the original data/file during the update process.

13. Claims 5 and 7-20 are distinguishable over the prior art. As per claims 5 and 7, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, a method of updating Global Positioning System almanac data which includes the step of creating a subset of the current satellite almanac in the server that includes data for satellites not in view of the wireless device. Dependent claims 8-20 are distinguishable for at least the same reasons. The prior art discloses providing subsets of the almanac data, but only for those satellites in view of the wireless device (see Garin: col. 2, lines 51-55; Kurby: col. 5, lines 63-67; col. 7, line 57 to col. 8, line 3).

14. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 11 and 12 would be allowable if rewritten to overcome the objections set forth in this Office action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

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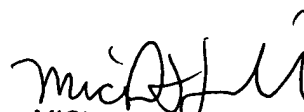
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756.

The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz


MICHAEL J. ZANELLI
PRIMARY EXAMINER